

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EUGENE KENNETH JONES-El,)

Plaintiff,)

vs.)

Case No. 4:05CV28 CDP

SCOTT ROPER, et al.,)

Defendants.)

MEMORANDUM AND ORDER

This matter is before me on a number of pending motions. Pro se plaintiff Eugene Kenneth Jones El has again filed motions for appointment of counsel, and has also filed motions to compel. Both parties have filed requests for additional time to file summary judgments.

The procedural and factual history of the case is set out in several orders I have entered previously. This is a fairly simple case, involving plaintiff's allegation that Roper tore up one of his legal documents and then attacked him for no reason. It involves only one defendant and one incident. While I continue to believe that Jones is capable of representing himself in this matter, defendant has refused to produce certain admittedly relevant documents because of "safety and security concerns." These include documents that discuss the incident that gives rise to this case and that should have been produced as part of the Rule 26

disclosures. I assume that there are other documents that are relevant that should be produced.


I will therefore grant plaintiff's motion to appoint counsel, and will deny the other motions as moot. I will vacate the pending summary judgment deadlines, and will set a telephone conference with counsel to discuss any necessary discovery that remains. I also will discuss with counsel the schedule for the remainder of the case. From my knowledge of the allegations, I believe that factual disputes regarding what actually happened will remain, and so summary judgment motions may be a waste of time and resources. It may be that the case should simply be set for a prompt jury trial, after some short period of time to complete any additional discovery.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motions for appointment of counsel [# 67, #83] are granted, and attorney James G. Krispin, 8000 Maryland Ave., Suite 750, Clayton MO 63105, telephone number (314)721-2060, is appointed to represent plaintiff in this matter, and the Clerk will provide appointed counsel with copies of the complete case file without charge.

IT IS HEREBY ORDERED that defendant's motion to substitute counsel [#89] is granted, and all other pending motions are denied as moot.

IT IS FURTHER ORDERED that the Court will hold a telephone status conference with both counsel on **November 6, 2007 at 1:00 p.m.** The Court will place the call.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of October, 2007.